

Attorney's Docket No.: 06618/605001 / CIT 3188

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lutfollah Maleki et al. Art Unit : 2828  
Serial No.: 09/816,872 Examiner : James A. Menefee  
Filed : March 22, 2001  
Title : NON-SPHERICAL WHISPERING-GALLERY-MODE MICROCAVITY

Commissioner for Patents  
Washington, D.C. 20231

**TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)**

Pursuant to 37 CFR §3.73(b), CALIFORNIA INSTITUTE OF TECHNOLOGY, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of an assignment from the inventors of the above application. The assignment was recorded in the Patent and Trademark Office at Reel 012115, Frame 0428 on August 27, 2001. California Institute of Technology also certifies that it is the assignee of U.S. Patent No. 6,490,039. Attached for your reference are copies of the following documents:

1. the assignment and recordation record of the application no. 09/816,872; and
2. the assignment and recordation record of U.S. Patent No. 6,490,039.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and the U.S. Patent No. 6,490,039 and to the best of undersigned's knowledge and belief, the title to each of the application no. 09/816,872 and the U.S. Patent No. 6,490,039 is in CALIFORNIA INSTITUTE OF TECHNOLOGY.

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

February 17, 2004  
Date of Transmission

Signature

Roxanne Ippolito  
Typed or Printed Name of Person Signing  
Certificate

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The undersigned is empowered to act on behalf of the assignee CALIFORNIA INSTITUTE OF TECHNOLOGY.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application No. 09/816,872 subsequent to the expiration date of U.S. Patent No. 6,490,039, whereby the patent granted on the application No. 09/816,872 and U.S. Patent No. 6,490,039 will expire on the same day, provided that any patent granted on the above identified application No. 09/816,872 shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,490,039.

The assignee CALIFORNIA INSTITUTE OF TECHNOLOGY does not disclaim any terminal part of any patent granted on the above identified application No. 09/816,872 prior to the expiration date of the full statutory term of U.S. Patent No. 6,490,039 in the event that U.S. Patent No. 6,490,039 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee CALIFORNIA INSTITUTE OF TECHNOLOGY does not disclaim or otherwise affect any part of U.S. Patent No. 6,490,039.

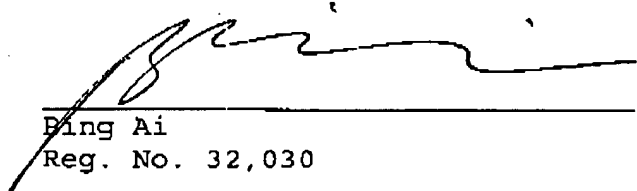
This disclaimer runs with any patent granted on the above application No. 09/816,872 and is binding upon the grantee, its successors or assigns.

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Please charge the \$55 statutory disclaimer fee, and any other applicable fees or credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 06618-605001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 02/17/04  
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